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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/951,276	10/16/1997	DAVID G. MCCARTHY	402-038-19	1410

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EXAMINER

HAMMOND, BRIGGITTE R

ART UNIT PAPER NUMBER

2833

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
08/951,276

Applicant(s)  
David McCarthy

Examiner  
Brigitte R. Hammond

Art Unit  
2833



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 11, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Aug 19, 1999 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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### DETAILED ACTION V

1. This action is in response to applicant's request for reconsideration received on June 12, 2003. As a courtesy, since applicant did not fully respond to the art rejection of the last Office Action, this Action is non-final to give applicant an opportunity to reply.

#### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show how the "means" *bias* the receptacle unit and how the "locking means" **oppose** the means for biasing as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action **to avoid abandonment** of the application. **The objection to the drawings will not be held in abeyance.**

The examiner advises applicant to look at the Byrne patent which shows "details" of a retractable receptacle unit.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-5,7,8,10-13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne 4,747,788 in view of Mitchell et al. Regarding claims 1 and 16 Byrne discloses a retractable receptacle 150 with sidewalls (front side of box 152) adapted to be mounted in an opening in a top surface of an article of furniture 104. Byrne disclose the top of the receptacle being “substantially” planar with a top surface of the article of furniture (see col. 7, lines 10-12). However, Mitchell et al. disclose an article of furniture 10 with a top surface 12, a receptacle unit 30 with a top surface (top of 50 in figure 2), a receptacle 48, and a housing 30 mounted on an underside of the furniture 10. Mitchell et al. do not disclose the top of the receptacle being planar with a top surface of the article of furniture. However, Mitchell et al. do disclose a disk (not shown) for providing a two-piece uninterrupted working surface (see col. 3, lines 62-66). Therefore, it would have been obvious to one of ordinary skill to modify the receptacle of Byrne by having the top of the receptacle being planar with a top surface of the article of furniture so that the surfaces would be flush as taught by Mitchell et al.

Regarding claim 2, the receptacle of Byrne displaces in a direction perpendicular to the top surface of the article of furniture (see fig. 1).

Regarding claims 3, 12, 13 and 17, Byrne does not show each sidewall having a receptacle. However, on page 9, lines 54-57 Byrne discloses that the receptacle box 152 (which includes the walls) could be double sided to accommodate multiple receptacles. It would have been obvious to modify the receptacle of Byrne to include receptacles on multiple sidewalls to supply multiple outlet capacity.

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Regarding claims 4,5,7 and 18, Byrne discloses a gap space 166, to permit transmission lines to extend through and means 168 for covering the gap space.

Regarding claims 9 and 10, since Byrne discloses the covering means as being a brush 168 and the brush acts as a screen.

Regarding claims 14 and 15, the receptacle of Byrne is generally rectangular/square (see figs. 1,2,4, and 5).

5. Claims 1,2, 4-7, 10, 12-15, 19 and 20 are rejected under 35 U.S.C. 103 (a) as being as being unpatentable over Mitchell et al. Mitchell et al. disclose an article of furniture 10 with a top surface 12, a retractable receptacle unit 30 with a top surface (top of 50 in figure 2), a receptacle 48, and a housing 30 mounted on an underside of the article of furniture 10. Mitchell et al. do not disclose the top of the receptacle unit being planar with a top surface of the article of furniture. However, Mitchell et al. do disclose a disk (not shown) for covering the receptacle unit and providing a planar surface with the article of furniture (see col. 3, lines 62-66). It has been held to be within the general skill of a worker in the art to make plural parts unitary as a matter of obvious engineering choice. In re Larson, 144 USPQ 347 (CCPA 1965); In re Lockart, 90 USPQ 214 (CCPA 1951). Therefore, it would have been obvious to one of ordinary skill to modify the receptacle unit of Mitchell et al. by making a one piece top such that the top of the receptacle unit would be flush with the article of furniture to provide an uninterrupted surface to the article of furniture and the retractable receptacle unit as taught by Mitchell et al. Secretary

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Regarding claim 2, the receptacle unit of Mitchell et al. displaces in a direction perpendicular to the top surface of the article of furniture (see figs. 2-7).

Regarding claims 4 and 5, the receptacle unit of Mitchell et al. has a gap space (at 16) that is of a sufficient dimension to permit a transmission line when the receptacle unit is in a retracted position.

Regarding claim 6, the receptacle unit of Mitchell et al. further includes means 118 for biasing and locking means 116.

Regarding claims 7 and 10, Mitchell et al. also discloses means (a disk, not shown) for covering the gap (see col. 3, lines 62-66).

Regarding claims 12-15, the receptacle unit of Mitchell et al. has a generally rectangular/square shape (as shown in the drawings) and a plurality of sidewalls with at least one receptacle (see col. 4, lines 42-45).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-20 have been considered but not persuasive. *See denied Decision on Petition, paper 21.*

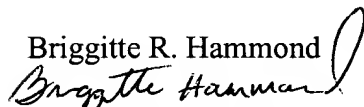
### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is (703) 305-0032. The examiner can normally be reached on Monday - Thursday from 7:30 A.M. to 5:00 P.M. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached on (703) 308-2319. Papers may be faxed directly to Group 2833 at (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Brigitte R. Hammond  
  
December 10, 2003